



MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, JULY 26, 2005
HUNTINGTON BEACH CIVIC CENTER
2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

5:15 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)

CALL PLANNING COMMISSION MEETING TO ORDER

ROLL CALL: *P* *A* *P* *P* *P* *P* *P*
Dwyer, Scandura, Dingwall, Ray, Livengood, Burnett, Horgan

AGENDA APPROVAL

THE AGENDA WAS APPROVED BY THE FOLLOWING VOTE:

AYES: Dwyer, Dingwall, Ray, Livengood, Burnett, Horgan
NOES: None
ABSENT: Scandura
ABSTAIN: None

MOTION PASSED

A. STUDY SESSION ITEMS

A-1. FLOOD MANAGEMENT PLAN ANNUAL REVIEW – Ricky Ramos

Ricky Ramos, Associate Planner, discussed the Flood Management Plan (FMP) approved by the City Council in September 2000, including its purpose to identify potential flood hazards and activities to mitigate flood damage.

Discussion ensued on the following Flood Management Plan Recommended Activities identified on Attachment 1 of the staff report:

Goal/Activity

- 8.1.9 Continue to participate in the National Flood Insurance Program and Community Rating System
- 8.1.13 Encourage the State to modify the roadway profile of Pacific Coast Highway between Warner Avenue and Goldenwest Street to prevent street closure due to flooding
- 8.2.1 Upgrade the City's flood control system to current FEMA standards and concentrate on the repetitive flood areas first
- 8.2.2 Quarterly the City Council shall lobby the County to correct, upgrade, and maintain the County's flood control system to current FEMA standards
- 8.2.3 Evaluate existing street conditions for replacement and/or installation of facilities to allow proper conveyance of storm flows to the City's flood control systems
- 8.2.5 Update the City's Master Plan of Drainage to evaluate the effectiveness of the City's flood control system
- 8.2.6 Lobby the federal, state and county governments to study, pursue and expand the wetlands from Beach Blvd. to Brookhurst Street for floodwater mitigation

- 8.2.7 Evaluate and upgrade open areas, e.g., Meadowlark Golf Course, Central Park, Good Shepherd Cemetery to eliminate offsite drainage and subsequent impact to private property
- 8.2.9 Pursue funding from County, State and Federal agencies
- 8.3.1 Update the Tsunami Emergency Operation Plan, Operations Plan 2, as needed
- 8.3.3 Educate the public regarding the potential threat of a tsunami
- 8.4.1 Implement best management practice plans and National Pollution Discharge Elimination Plans
- 8.4.2 Investigate and install in-line wetlands in drainage courses wherever feasible
- 8.5.1 Establish building setbacks from all slopes including mesa and bluff edges
- 8.5.2 Participation in the bluff erosion study and implement recommendations
- 8.6.2 Evaluate the possibility of the City purchasing surplus school sites to allow playfields to remain as open areas and provide for floodwater retention areas

**A-2. GENERAL PLAN CONFORMANCE – CITY OF HUNTINGTON BEACH
CAPITAL IMPROVEMENT PROGRAM – Rosemary Medel**

Rosemary Medel, Associate Planner, discussed the proposed Capital Improvement Program (CIP) for Fiscal Years 2005/06 and project conformity with the General Plan.

Discussion ensued on the following recommended Capital Improvements identified on Attachment 1 of the staff report:

FACILITIES IMPROVEMENTS - General Fund, Grants

Banning Library Rebuild (preliminary design concept)
Building & Planning Workspace (remodel space)
Carpet City Hall (replace carpet 3rd floor and EOC)

NEIGHBORHOOD - Gas Tax, Measure M, Capital Reserve, Grants

Downtown Streetlights (begin replacement of high voltage system)

PARKS - Park Acquisition & Development, Grants, Capital Reserve

Edison Youth Sports Complex (design sports fields at Edison Park)
LeBard Park Design (design improvements for undeveloped 2-acre area)
Oakview Park Lighting (install lighting and improvements for night use)
Warner Dock Rebuild (replace dock, electrical hook-ups and fuel pump)

SEWER - Sewer Service Charge

Annual Lining/Rehabilitation (continue annual lining program)
Sewer Lift Stations (begin design for lift station rehabilitation)
Warner Gravity Sewer Main (replace two existing lift stations)

STREET IMPROVEMENTS - Gas Tax, Measure M, grants, Capital Reserve

Arterial

Arterial Hwy Rehabilitation (rehabilitate arterial segments)
Beach/Taylor Frontage Landscaping (per TEA grant)
Brookhurst Frontage Landscaping (per TEA grant)
Heil Widening (between Beach Blvd and Silver Lane)
Magnolia Sidewalk/Lighting (from PCH to HB Channel)

Transportation

Annual Traffic Signal Installations (5 new signals per Signal Priority List)
Main/Utica Traffic Signal (maintenance to improve reliable operation)
PCH Bridge Lettering (add "Huntington Beach" to the Hyatt overcrossing)
Safe Routes to School 3 (signals and signage upgrade)

WATER - Water Capital Funds, Water Master Plan

Corrosion Control 20" Main (cathodic protection on transmission main)
Corrosion Control 36"/42" Main (cathodic protection on transmission mains)
Security Plan Implementation (improvements at well and reservoir sites)
Slipline 42" Transmission Main (rehabilitate water main)
Water Main Replacement (replace and upgrade old water lines)
Well #13 Chlorine Containment (replace chlorine storage equipment)

B. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS) – Herb Fauland

Herb Fauland identified corrections made to the staff report for Public Hearing Item No. B-2 (Conditional Use Permit No. 05-09 -- Platt College).

Commissioner Horgan expressed interest in having more time to review staff report material.

C. PLANNING COMMISSION COMMITTEE REPORTS

Chair Ray announced that the Subdivision Committee would meet on Wednesday, July 27, 2005 at 3:30 p.m., Civic Center; Commissioner Livengood announced that the Design Review Board would meet on Thursday, July 28, 2005 at 4:00 p.m., Civic Center.

D. PUBLIC COMMENTS – Regarding Study Session portion of Meeting

Merrilee Madrigal, Huntington Beach River Park Foundation and Huntington Beach Santa Ana River Watershed Coalition, provided comments on Study Session Items A-1 and A-2 regarding flood protection and improvements for the Santa Ana River Corridor and Southeast Huntington Beach area.

6:30 P.M. – RECESS FOR DINNER

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL: *P A P P P P P*
Dwyer, Scandura, Dingwall, Ray, Livengood, Burnett, Horgan

AGENDA APPROVAL

A. ORAL COMMUNICATIONS

Steve Stafford, Huntington Beach, provided comments on an injury that occurred at Worthy Park, and on Public Hearing Item No. B-1 (Bonanni Residential Development).

B. PUBLIC HEARING ITEMS

PROCEDURE: Commission Disclosure Statement(s), Staff Report Presentation, Commission Questions, Public Hearing, Discussion/Action.

B-1. TENTATIVE TRACT MAP NO. 16846 AND CONDITIONAL USE PERMIT NO. 04-21 (BONANNI RESIDENTIAL DEVELOPMENT): **Applicant:** Ed Bonnani
Request: **TTM:** To consolidate two parcels totaling approximately 1.25 acres (54,600 sq. ft.) into one lot for condominium purposes. **CUP:** To permit the construction of 19 two-story town home dwellings. The attached units are proposed in five buildings containing three to four units in each building. The request also includes a density bonus to permit the construction of one additional unit (18 to 19). **Location:** 19082 Gothard Street (east side of Gothard Street, south of Garfield Avenue) **Project Planner:** Rami Talleh

STAFF RECOMMENDATION: Motion to: "Approve Tentative Tract Map. No. 16846 and Conditional Use Permit No. 04-21 with findings and suggested conditions of approval."

Rami Talleh, Assistant Planner, gave a staff report and PowerPoint presentation on the proposed residential development.

The Commission made the following disclosures: Commissioners Dwyer, Livengood and Burnett spoke with Ed Bonanni (applicant) and visited the site; Commissioner Dingwall spoke with the applicant; Chair Ray met with the applicant and Brian Kelly, and visited the site; Commissioner Horgan visited the site.

Discussion ensued about each condominium unit having separate water meters, and on the Holly Seacliff Specific Plan's (HSSP) encouraged use of drought tolerant landscaping.

THE PUBLIC HEARING WAS OPENED:

Ed Bonanni, applicant, spoke in support of the item. He discussed how the proposed project meets or exceeds City development standards, and how it includes providing additional trees and separate water meters. He voiced concerns related to staff's recommendation that one affordable unit be made available to median-income level households.

WITH NO ONE ELSE PRESENT TO SPEAK, THE PUBLIC HEARING WAS CLOSED.

Commission Dwyer complimented the extras being provided by the applicant.

Discussion ensued regarding affordable housing requirements within the HSSP, the County wide formula used to establish a "median" income level figure, inconsistent information in the staff report and suggested conditions of approval, the density bonus request and the number of affordable housing units proposed by the applicant as being made available for moderate-income level households, and alley dedication.

A MOTION WAS MADE BY DWYER TO APPROVE TENTATIVE TRACT MAP NO. 16846 AND CONDITIONAL USE PERMIT NO. 04-21 WITH FINDINGS AND MODIFIED CONDITIONS OF APPROVAL (REQUIRE THREE 2-BEDROOM, MODERATE INCOME UNITS, AND ONE 3-BEDROOM, MEDIAN INCOME UNIT).

Commissioner Livengood provided support for the motion and asked that staff explain their recommendation to designate one (1) affordable unit as available to median-income level households. Staff explained that when affordable housing requirements within the HSSP are silent in relation to a particular development request, staff refers to the affordable housing requirements identified in the City's Housing Element.

The applicant voiced concerns about the high cost of real estate and encouraged the Commission to reconsider conditioning the number of bedrooms and income levels for the units designated as affordable.

Chair Ray asked about import and export of dirt and if soil remediation is required because of the two abandoned oil wells on the site. Staff explained how 2000 cubic yards of fill would be imported, and none exported. Staff also explained that the process of well abandonment must comply with fire regulations.

Commissioner Dingwall asked if the City considers existing rental stock when calculating the City's stock of affordable units. Mr. Talleh explained how the City arrives at an inventory figure for affordable housing. Mr. Fauland discussed other housing programs and explained that the City is responsible for managing the property during the affordability period.

Commission Counsel responded to concerns about contract language not being simplistic enough for a buyer to understand by explaining that the City Attorney knowingly and educationally drafts an enforceable contract, and that all parties are encouraged to seek legal advice prior to signing it.

Commission Burnett asked the applicant to comment on providing a moderate versus median-income level unit. The applicant stated that anything below a moderate-income level was unrealistic in Huntington Beach and voiced concerns about economic issues and lost revenue. He also discussed the density bonus request and increasing the housing covenant by 30 years.

A MOTION WAS MADE BY DWYER TO APPROVE TENTATIVE TRACT MAP NO. 16846 AND CONDITIONAL USE PERMIT NO. 04-21 WITH REVISED FINDINGS AND MODIFIED CONDITIONS OF APPROVAL (REQUIRE THREE 2-BEDROOM, MODERATE-INCOME UNITS, AND ONE 3-BEDROOM, MODERATE-INCOME UNIT).

Commissioner Dingwall asked if Commissioner Dwyer would amend the motion by adding a condition of approval that requires the applicant to include broadleaf evergreen trees along Gothard Street. Commissioner Dwyer accepted the amendment.

COMMISSIONER DINGWALL SECONDED THE MOTION, AND ACTION WAS TAKEN BY THE FOLLOWING VOTE:

AYES: Dwyer, Dingwall, Ray, Livengood, Burnett, Horgan
NOES: None
ABSENT: Scandura
ABSTAIN: None

MOTION PASSED

FINDINGS AND CONDITIONS OF APPROVAL - TENTATIVE TRACT MAP NO. 16846/
CONDITIONAL USE PERMIT NO. 04-21

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15182 of the CEQA Guidelines because the City has prepared an environmental impact report for the Holly Seacliff Specific Plan after January 1, 1980, therefore no environmental impact report or negative declaration is needed for a residential project undertaken pursuant to and conformance to the specific plan.

FINDINGS FOR APPROVAL - TENTATIVE MAP NO. 16846:

1. Tentative Tract Map No. 16846 for the consolidation of two parcels totaling approximately 1.25 acres (54,600 sq. ft.) into one lot for condominium purposes is consistent with the General Plan Land Use Element designation of Medium Density Residential on the subject property, or any applicable specific plan, or other applicable provisions of this Code. The proposed residential subdivision for the development of 19 townhome units is permitted in the Medium Density Residential (RM) designation of the Holly Seacliff Specific Plan (HSSP).
2. The site is physically suitable for the type and density of development. The project density of 15.16 dwelling units per acre is compatible with the density of the surrounding developments. Furthermore the proposed development complies with the development standards of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) and the HSSP.
3. The design of the subdivision or the proposed improvements will not cause serious health problems or substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The project will comply with all mitigation measures identified in Environmental Impact Report No. 89-1.
4. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision unless alternative easements, for access or for use, will be provided. The subdivision will provide all necessary easements and will not affect any existing easements.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 04-21:

1. Conditional Use Permit No. 05-21 for the construction of 19 two-story townhomes within five buildings consisting of three to four units and a 5.6 percent density bonus

for the construction of one unit will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed site layout and design of the project properly adapts the proposed structures to streets driveways, and other adjacent structures and uses in a harmonious manner. The proposed development is designed in a manner consistent with development anticipated by the Holly Seacliff Specific Plan and the immediate area. Furthermore, the additional unit will not result in any adverse environmental impacts. The project will provide affordable housing to a segment of the population, which has limited available housing options at rates, which are affordable at the moderate-income level.

2. The conditional use permit will be compatible with surrounding uses because the proposed residential use is consistent and complementary to existing uses in the vicinity. The project design is similar to the residential project located to the north and south of the subject site and is in keeping with the multi-family neighborhood. Furthermore, compliance with the mitigation measures of Environmental Impact Report No. 89-1 and code provisions will ensure that the project will be compatible with other area developments.
3. The proposed 19-unit townhome subdivision and 5.6 density bonus will comply with the provisions of the base district and other applicable provisions in the Holly Seacliff Specific Plan and any specific condition required for the proposed use in the district in which it would be located. The proposed residential units meet all code provisions, including setbacks, density, open space, and parking.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Residential Medium Density on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

LU 9.1.3: Require that multi-family residential projects be designed to convey a high level of quality and distinctive neighborhood character as discussed below:

- a. Design building elevations treatment to convey the visual character of individual units rather than a singular building mass and volumes.
- b. Include separate and well-defined entries to convey the visual character of individual identity for each residential unit, which may be accessed from exterior facades, interior courtyards, and /or common areas.
- c. Include an adequate landscape setback along the street frontage that is integrated with abutting sidewalks and provides continuity throughout the neighborhood.

The proposed project will consist of attached townhome units that have separate patios surrounding each entry area. The use of different colors and materials will break up the mass of the buildings and will delineate the entry to the units. The landscape palette will comply with the community theme guidelines of the Holly Seacliff Specific Plan and will ensure landscape continuity along Gothard Street.

LU 9 Achieve the development of a range of housing units that provides for the diverse economic, physical, and social needs of existing and future residents of Huntington Beach.

LU 9.5 Provide for the development of housing for senior citizens, the physically and mentally challenged, and very low, low and moderate-income families.

The project will be conditioned to provide a mixture of affordable unit types – three, two-bedroom units and one, three-bedroom unit to moderate-income families. The proposed affordable units will provide opportunities for the diverse economic needs of existing and future residents of Huntington Beach.

HE 3.1: Facilitate the development of housing for low and moderate-income households, which are compatible with and complements adjacent uses and is located in close proximity to public and commercial services.

HE 3.1.1: Encourage the provision and continued availability of a range of housing types throughout the community, with variety in the number of rooms and level of amenities.

HE 4.1: Mitigate any potential governmental constraints to housing production and affordability.

The project will provide a total of 19 additional units. The type of units will include 15 market-rate units and four affordable units. The development is located in close proximity to existing commercial services located at the northwest corner of Main Street and Yorktown Avenue and the southwest corner of Goldenwest Street and Garfield Avenue. The proposed density bonus will allow the development to maximize density on the subject property and provides affordable housing in return for the one additional density bonus unit.

UD 1.1.2: Coordinate streetscape and landscape design in all residential neighborhoods to strengthen their identities.

The subject site is located within the HSSP, which provides Community Theme Guidelines intended to promote individual neighborhood identities and promote the interrelationships between complementary land uses and community open space features. The dwelling units are oriented parallel to streets. The applicant proposes a 15 feet wide landscaped planter along Gothard Street consistent with the landscaping requirements of the HSSP and providing the neighborhood identity and interrelationship of the area.

CONDITIONS OF APPROVAL – TENTATIVE TRACT MAP NO. 16846:

1. The Tentative Tract Map No. 16846 for the consolidation of two parcels totaling approximately 1.25 acres (54,600 sq. ft.) into one lot for condominium purposes received and dated May 31, 2005 shall be the approved layout.
2. Prior to submittal of the tract map to the Public Works Department for processing and approval, CC&Rs shall be submitted to the Planning Department and approved by the City Attorney, at least 90 days before City Council action on the final map. The CC&Rs shall reflect the common driveway access easements, and maintenance of all walls and common landscape areas by the Homeowners' Association. The CC&Rs must be in recordable form prior to recordation of the map.
3. The following conditions shall be completed prior to recordation of the Final Map:

- a. The draft Affordable Housing Agreement received and dated July 8, 2005, identifying four units as affordable (three of the total 19 for-sale units to comply with the HSSP requirements plus one unit for the density bonus pursuant to Section 230.14 of the ZSO), shall be amended by the conditions below, and shall be submitted to the Planning Department for review and approval by the City Attorney, and accepted by the City Council. Said agreement shall be recorded with the Orange County Recorder's Office prior to issuance of the first building permit for the tract. The Agreement shall comply with HBZSO Section 230.26 and include:
 - i. Continuous affordability provisions for a period of 60 years. For-sale affordable units shall be owner-occupied (not rented or leased).
 - ii. There shall be three units affordable to moderate-income household levels (less than 120% of Orange County median) and one unit (density bonus) affordable to moderate-income household levels (less than 120% of Orange County median). The Orange County median income is adjusted for appropriate family size.
 - iii. A detailed description of the type, size and location of the four affordable housing for-sale units on-site. There shall be three units with two bedrooms (Unit Nos. 6, 7, and 18) and one unit with three bedrooms (Unit No. 2). Units shall be located throughout the project.

The affordable units shall be constructed prior to or concurrent with the primary project. Final occupancy of the first market rate residential units shall be contingent upon the completion and public availability, or evidence of the applicant's reasonable progress towards attainment of completion of the affordable units.

4. A privately maintained lighting system, consistent with City standards, shall be constructed along the private driveways in this subdivision. A photometric analysis shall be provided which demonstrates that such lighting will not negatively impact the existing or future residences to the north, south and west.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 04-21:

1. The site plan, floor plans, and elevations received and dated May 31, 2005, shall be the conceptually approved design with the following modifications:
 - a. A landscaped planter shall be provided along the rear property line at the end of the main drive aisle between Building C. and D. The landscape planter shall accommodate a three-foot turn around area for Unit No. 13.
 - b. The proposed walkway located along the northerly property line at the end of the drive aisle between Building B and C shall be replaced with a landscaped planter.
 - c. The private patio walls for Buildings A, E, and D shall be reduced to a height of 43 inches and the columns shall remain at a height of five feet. The circular finials on top of the columns shall be removed and the decorative caps shall be increased in scale.
 - d. Buildings E and B shall be each provided with a different color scheme to create village feeling. Final design shall be reviewed and approved by the Planning Department.
 - e. The proposed split face block wall located along Gothard Street shall incorporate at least two of the following design features, in proportion to the length of the wall:

- i. A minimum 2-ft. change in plane for at least 10 ft.
 - ii. A minimum 18-inch high raised planter for at least 10 ft.
 - iii. A minimum 18-inch change in height for at least 10 ft.
 - iv. Use of pilasters at 50 ft. maximum intervals and at changes in wall planes
 - f. The main entrance of the site shall be enhance by providing a four ft. wide landscaped planter along the southerly property line for the first 30 ft. of the property.
2. The 15 ft. wide landscaped planter along Gothard Street shall be planted with 36-inch box evergreen trees (such as broadleaf evergreens) which will be maintained by the Home Owners Association to effectively screen the residences from existing industrial uses to the west. Tree maintenance shall be in accord with the International Society of Arborists (ISA) standards; "topping" is not permitted. Screening shall be from the top of the wall to the highest point of the tree without "topping" the tree.
3. Prior to submittal for building permits, the following shall be completed:
 - a. Submit a copy of the revised site plan, floor plans, elevations, and color schemes pursuant to Condition No. 1 for review and approval and inclusion in the entitlement file to the Planning Department.
 - b. Zoning entitlement conditions of approval and applicable code requirements shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
4. Tentative Tract Map No. 16846 and Conditional Use Permit No. 04-21 shall comply with all applicable mitigation measures of FEIR No. 89-1.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

- B-2. CONDITIONAL USE PERMIT NO. 05-09 (PLATT COLLEGE):** **Applicant:** Alan Purvis **Request:** To permit the establishment of a technical/vocational institution (college) within an existing 12-story office building. The college proposes to occupy approximately 35,000 square feet on the fourth and fifth floors of the office building. The request also includes an updated shared parking analysis based on the proposed change to the mix of on-site uses. **Location:** 7755 Center Avenue (north side of Center Ave., west of Beach Blvd.) **Project Planner:** Paul Da Veiga

STAFF RECOMMENDATION: Motion to: "Approve Conditional Use Permit No. 05-09 with findings and suggested conditions of approval."

Paul Da Veiga, Associate Planner, gave a staff report and PowerPoint presentation on the proposed request. He also identified a change to parking demand figures on page 7 of the staff report.

Commissioner Dingwall voiced concerns about shared parking and the applicant being required to file for a new conditional use permit (CUP). Staff explained that the CUP was required because the applicant's request for a college is not identified as a permitted use within the Specific Plan. Staff also discussed the shared parking concept approved in 1975 and the code based parking ratio analysis.

Commissioner Livengood referred to the Shared Parking Analysis recap identified on Attachment 4.11. He also asked if the existing parking structure was storing vehicles. Staff responded no.

Chair Ray identified inconsistent figures within the staff report and Parking Demand Analysis dated June 8, 2005 (Attachment 4), and voiced concerns about how a proposed 24-Hour Fitness facility would affect parking demand. Mr. DaVeiga explained how the proposed facility would result in a loss of 19 spaces but that the analysis indicated the proposed fitness facility and the parking demand could be accommodated based on the shared parking analysis.

THE PUBLIC HEARING WAS OPENED:

Alan Purvis, applicant, spoke in support of the item. He explained how Platt College has been in existence since the early 1980s, discussed the types of degrees offered by the college, and information provided in the 2004 Market Study that prompted the College's decision to move the Newport Beach Campus to Huntington Beach.

Bill Christopher, Platt College, spoke in support of the item and concurred with staff's analysis of shared parking and change of land use for one portion of the development.

Steve Stafford, Huntington Beach, voiced concerns about parking and traffic impacts on Center Avenue.

WITH NO ONE ELSE PRESENT TO SPEAK, THE PUBLIC HEARING WAS CLOSED.

Commissioner Dwyer asked about potential changes to ingress/egress through a change of use from office to a college. Chief Engberg described the change in use as allowable and explained that the standard fire code requirements accommodate modifications.

Commissioner Horgan questioned the adequacy of existing CUP standards approved in 1975 for shared parking and if parking stall size and design standards account for the size of sport utility vehicles. Staff identified the businesses that were analyzed in the shared parking study and provided standard parking space size requirements. Staff also discussed the surplus of

spaces discussed in the parking analysis and the findings that adequate parking will be provided.

Discussion ensued regarding the shared parking results for the One Pacific Plaza Redevelopment Project identified on Attachment 4.8. Concerns were raised with the theoretical parking deficiency of 162 spaces. Commissioner Horgan suggested that a provision be added that considers future demand.

Commissioner Dingwall commented on the public's dislike of parking in a structure.

Chair Ray asked Keil Maberry, LLG Engineers to respond to the projected parking figures based on the number of enrolled students, and consistent number of staff per number of students. Bill Christopher responded by explaining that classes operate in three modules per day, at 3 different times of day, with no more than 75 students in session at one time.

Discussion ensued on the percentage of students present during morning, afternoon and evening sessions. Alan Purvis reminded the Commission of two other Platt College campuses having smaller afternoon sessions and discussed marketing of new students.

Chair Ray voiced concerns about monitoring the enrollment cap of 400 students. Staff explained that the applicant must notify the City when enrollment reaches over 400 students. Mr. Fauland explained requirements for Certificate of Occupancy and Mr. Purvis added that the Newport Beach campus varied between 120 and 250 students since 1993.

Commissioner Horgan asked if students pay parking permit fees. Mr. Mr. Christopher responded that Platt College students receive free parking.

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY BURNETT TO APPROVE CONDITIONAL USE PERMIT NO. 05-09 WITH FINDINGS AND MODIFIED CONDITIONS OF APPROVAL (NOTIFY CITY WHEN ENROLLMENT FIGURES EXCEED 400).

Commissioner Dwyer supports the motion and welcomes a higher learning institution to the City.

Commissioner Dingwall requested that staff schedule a date certain to review the shared parking on this property.

Commissioner Livengood suggested that the shared parking be reviewed when the 24-Hour Fitness proposal comes before the Commission.

Chair Ray supports the motion and welcomed Platt College to the City.

ACTION WAS TAKEN BY THE FOLLOWING VOTE:

AYES: Dwyer, Dingwall, Ray, Livengood, Burnett, Horgan
NOES: None
ABSENT: Scandura
ABSTAIN: None

MOTION PASSED

FINDINGS AND CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 05-09

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the project is categorically exempt pursuant to Class 1, Section 15301 of the California Environmental Quality Act, because the proposed college will occupy existing office space within an existing building. The proposed change of use from offices to a technical/vocational college will result in negligible or no expansion of use beyond that previously existing on the project site.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 05-09:

1. Conditional Use Permit No. 05-09 for the establishment, maintenance and operation of 35,000 square-foot technical/vocational institution (college) with an enrollment of up to 400 students on the fourth and fifth floors of an existing 12-story office building including an update to the existing on-site shared parking based on the proposed modification to the mix of on-site uses, will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed use will not impact existing on-site shared parking based on the divergent parking needs for existing land uses as identified in a shared parking analysis. The proposed use will generate the same number of required parking spaces as the prior office use based on parking ratios established in the HBZSO.
2. The conditional use permit will be compatible with surrounding uses. The subject land use is appropriate at the proposed location because the site is easily accessible by major roadways and anticipated traffic will not impact local residential streets. The proposed use will be compatible with the adjacent office uses and surrounding uses based the operational characteristics of the college that are similar to office uses within the subject building. Nearly all of the classes involve the use of a computer in a business-like environment that is consistent with an office environment.
3. The proposed facility will comply with the provisions of the base district and other applicable provisions in the North Huntington Center Specific Plan (SP-1) and Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The HBZSO allows for a reduction in parking requirements when it can be demonstrated through a shared parking analysis that adequate parking within a commercial center can be provided based on the divergent parking needs of individual uses.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of M-sp (Mixed Use – specific

plan) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

LU 4.2.1: Require that all structures be constructed in accordance with the requirements of the City's building and other pertinent codes and regulations; including new, adaptively reused, and renovated buildings.

LU 13: Achieve the development of a mix of governmental service, institutional, educational, and uses that support the needs of Huntington Beach residents.

LU 13.1: Provide for the continuation of existing and development of new uses, such as governmental, administrative, public safety, human service, cultural, educational, and other uses that support the needs of existing and future residents and businesses.

LU 13.1.2: Allow for the continuation of existing and development of new facilities in any land use zone where they are compatible with adjacent uses and subject to City review and approval.

The establishment of Platt College promotes re-use of existing office space in a manner that will be consistent with the aforementioned goals and objectives of the City's General Plan. The project is consistent with General Plan Land Use goals, objectives and policies, which encourages development of a mix of governmental service, institutional, educational, and uses that support the needs of Huntington Beach residents and advocate development of new facilities where they are compatible with adjacent uses.

CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 05-09:

1. The site plan and floor plans received and dated July 20, 2005 shall be the conceptually approved layout.
2. Individual Certificates of Occupancy shall be issued whenever an increase of enrollment is anticipated based on an initial enrollment of up to a maximum of 400 students. Following the initial issuance of a Certificate of Occupancy, subsequent requests for Certificates of Occupancy will be subject to the applicant demonstrating that the increased enrollment will not result in a parking deficiency. The applicant shall demonstrate the ability to comply with these limitations through the preparation of a shared parking analysis prior to increasing enrollment. Requests for additional enrollment may require an entitlement plan amendment subject to a review and determination by the Planning Department. The shared parking analysis shall be prepared by a qualified traffic engineer and include the following:
 - Total number of students enrolled
 - Total staff at the time of the counts
 - Daily, morning peak hour and afternoon peak hour trip generation of the existing operation
 - Daily, morning peak hour and afternoon peak hour trip generation estimates for the proposed enrollment based on existing, demonstrated trip generation rates
 - Description of policies and programs in place at the time of the counts (carpools, bussing, schedules, incentives)
 - Description of proposed policy and program changes to be implemented along with the proposed enrollment increase (if any)

3. The applicant shall provide written notice to the City, a minimum 90 days prior to commencing classes, when enrollment is anticipated to exceed 400 students. The applicant may be subject to an entitlement plan amendment and additional parking and traffic studies to demonstrate that adequate parking can be provided.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

C. CONSENT CALENDAR

C-1. PLANNING COMMISSION MINUTES DATED MAY 24, 2005

RECOMMENDED ACTION: Motion to: "Approve the May 24, 2005 Planning Commission Minutes as submitted."

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY RAY, TO APPROVE THE PLANNING COMMISSION MINUTES OF MAY 24, 2005 AS MODIFIED, BY THE FOLLOWING VOTE:

AYES: Dwyer, Ray, Livengood, Burnett
NOES: None
ABSENT: Scandura
ABSTAIN: Dingwall, Horgan

MOTION PASSED

D. NON-PUBLIC HEARING ITEMS – NONE.

E. PLANNING COMMISSION ITEMS

E-1. PLANNING COMMISSION REQUEST ITEMS – NONE.

E-2. PLANNING COMMISSION COMMENTS

Commissioner Dwyer – complimented the Art Center for providing great jazz entertainment.

Commissioner Scandura – absent.

Commissioner Dingwall – none.

Chair Ray – complimented staff and offered birthday wishes to his son Stephen and daughter Tiffany.

Commissioner Livengood – encouraged the public and Planning Commission to attend the Resource Conservation Conference held at the Huntington Beach Hyatt Regency on Friday, September 16, 2005.

Commissioner Burnett – complimented Rami Talleh, staff planner, on his processing of the Bonanni project.

Commissioner Horgan – none.

F. PLANNING ITEMS

F-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING

Scott Hess, Planning Manager – reported on the Planning Department items heard by the City Council on July 18, 2005

F-2. CITY COUNCIL ITEMS FOR NEXT MEETING

Scott Hess, Planning Manager – reported on the Planning Department items scheduled before the City Council on August 1, 2005.

F-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING

Herb Fauland, Principal Planner – reported on the items scheduled for the next regularly scheduled meeting August 9, 2005.

ADJOURNMENT:

Adjourned at 9:30 p.m. to the next regularly scheduled meeting of August 9, 2005.

APPROVED BY:

Howard Zelefsky, Secretary

Steve Ray, Chair